

EXHIBIT B

COPY

1 SHULMAN BUNN LLP
2 PATRICIA M. SNYDER (SBN 106350)
3 patricia@shulmanbunn.com
4 GEORGE E. WEBER (SBN 220592)
5 george@shulmanbunn.com
6 20341 SW Birch Street, Suite 320
Newport Beach, California 92660
T: 949.679.1800
F: 949.679.1802

7 Attorneys for Plaintiff Trust Company of America C/F Herb Rikelman

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF LOS ANGELES – CENTRAL**

11 TRUST COMPANY OF AMERICA C/F HERB
12 RIKELMAN,

13 Plaintiff,

14 vs.

15 RESIDENTIAL FUNDING COMPANY, LLC
16 f/k/a RESIDENTIAL FUNDING COMPANY;
17 ETS SERVICES LLC; ALL PERSONS
18 UNKNOWN CLAIMING ANY LEGAL OR
19 EQUITABLE RIGHT, TITLE, ESTATE, LIEN
20 OR INTEREST ADVERSE TO PLAINTIFF'S
TITLE TO THE SUBJECT PROPERTY OR
21 ANY CLOUD ON PLAINTIFF'S TITLE
THERETO; and DOES 1-100, inclusive,

22 Defendants.

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

MAY 15 2012

John A. Clarke, Executive Officer/Clerk

K. THOMAS

Case No. BC462215

ASSIGNED FOR ALL PURPOSES TO THE
HONORABLE Judge Michael L. Stern
Dept. 62

~~PROPOSED~~ ORDER DENYING
PLAINTIFF'S MOTION FOR
SUMMARY ADJUDICATION AND
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT OR IN THE
ALTERNATIVE SUMMARY
ADJUDICATION

Date: May 1, 2012

Time: 8:30 a.m.

Dept: 62

Complaint Filed: May 25, 2011

Trial Date: May 29, 2012

[PROPOSED] ORDER


1 Plaintiff TRUST COMPANY OF AMERICA C/F HERB RIKELMAN's Motion for
2 Summary Adjudication and Defendant RESIDENTIAL FUNDING COMPANY, LLC f/k/a
3 RESIDENTIAL FUNDING COMPANY's Motion for Summary Judgment or in the Alternative
4 Summary Adjudication came on regularly for hearing on May 1, 2012, at 8:30 a.m. in Department
5 62 of the above-entitled Court, the Honorable Judge Michael L. Stern, Presiding. George E.
6 Weber of Shulman Bunn LLP appeared for Plaintiff; Matthew J. Esposito and Paul A.
7 Grammatico of Severson & Werson appeared for Defendant. Having read and considered the
8 moving papers, the opposition and reply and hearing further argument of counsel, and good cause
9 appearing, the Court finds that:

- 10 1. Plaintiff has not met its burden of proof on its Motion for Summary Adjudication because
11 there are triable issues of material fact and that the Motion must be denied in its entirety
12 for that reason. The triable issues of fact contained in Plaintiff's Separate Statement of
13 Undisputed Material Facts are: Numbers 3, 5, 6, 9, 10, 13, 15, 16, 17 and 20.
- 14 2. Defendant has not met its burden of proof on its Motion for Summary Judgment or in the
15 Alternative Summary Adjudication because there are triable issues of material fact and
16 that the Motion must be denied in its entirety for that reason.

17 **THEREFORE IT IS ORDERED** that both Plaintiff's Motion for Summary Adjudication and
18 Defendant's Motion for Summary Judgment or in the Alternative Summary Adjudication
19 are **DENIED**.

20
21
22 Dated: May 15, 2012

SIGNED:



The Honorable Michael L. Stern
Judge of the Superior Court

PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF ORANGE

I am a citizen of the United States and employed in the county of Orange, State of California. I am over the age of 18 years, and not a party to the within action; my business address is 20341 SW Birch Street, Suite 320, Newport Beach, California, 92660.

On May 14, 2012, I served the foregoing documents described as:

[PROPOSED] ORDER

on the parties in said action or proceedings by placing a true copy thereof enclosed in a sealed envelope and addressed as follows:

SEE ATTACHED SERVICE LIST

☒ **BY FIRST CLASS MAIL** (CCP §§ 1013A, et seq.): I caused said document(s) to be deposited in the United States mail in a sealed envelope with postage fully prepaid at Newport Beach, California, following the ordinary practice at my place of business of collection and processing of mail on the same day as shown on this declaration.

☐ **BY ELECTRONIC MAIL TO THE EMAIL ADDRESSES LISTED IN THE MAILING LIST.**

☐ **BY TELECOPY/FACSIMILE** (CCP §§1012.5, et seq.): Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed on the attached Service List. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

☐ **BY EXPRESS MAIL** (CCP §§1013(c)(d), et seq.) I caused said document(s) to be deposited with an express service carrier in a sealed envelope designated by the carrier as an express mail envelope, with fees and postage prepaid.

☐ **BY FEDERAL EXPRESS:** I caused such envelope(s) to be delivered via Federal Express, Standard Overnight Service, to the addressee(s) designated.

☐ **BY REGISTERED/CERTIFIED MAIL** (CCP §§1020, et seq.): I caused said document(s) to be deposited with the United States mail, postage prepaid, return receipt requested.

I declare under penalty of perjury, pursuant to California law, that the foregoing is true and correct.

Executed on May 14, 2012, at Newport Beach, California.


Maria Phillips